

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Twana Adams, et al.,

Plaintiffs,

-against-

New York State Education Department,

Defendants

X

NOTICE OF MOTION

08 Cv. 5996 (GEL) (AJP)

X

PLEASE TAKE NOTICE that upon the declaration of Assistant Corporation Counsel Blanche Greenfield dated August 14, 2008 and the exhibits annexed thereto, the Department of Education's Memorandum of Law, dated August 14, 2008, and all other pleadings and proceedings herein, the Department of Education will move this Court at the United States Courthouse, for the Southern District Court of New York, located at 500 Pearl Street, New York, NY 10007, at a date and time to be determined by the Court, for an order pursuant to Rule 24 (a)(2), or in the alternative, Rule 24 (b)(1)(B) of the Federal Rules of Civil Procedure to intervene in this action as a defendant with respect to plaintiffs' fourteenth amendment due process claim, and upon the grant of intervention, for an order pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure dismissing plaintiffs' fourteenth amendment due process claim and granting such other relief as to this Court deems proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the schedule set by the Court, opposing papers, if any, must be served on the undersigned by September 5, 2008 and the Department of Education's reply papers, if any, must be served by September 18, 2008.

Dated: New York, New York
August 14, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for proposed Intervenor Department of
Education
100 Church Street, Room 2-142
New York, New York 10007
(212) 788-0872

By: _____
Blanche Greenfield
Assistant Corporation Counsel
bgreenfi@law.nyc.gov

TO: Edward Fagan .
Attorney for Plaintiffs

Gregg Weinstock
Attorney for Arbitrator defendants

Karen Dahlberg
Attorney for SED defendants
By ecf